

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

REGULAR SESSION - OCTOBER 5, 1998

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on October 5, 1998 at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa. Wm. L. McDowell, Chairman, Tom Shaughnessy, Member, and Mike Shelton, Member, were present.

MINUTES OF MEETING

By unanimous motion, the Board approved the minutes of meeting from August 10, 1998. With respect to the minutes from June 1, 1998, already approved and signed, the Board by unanimous motion, corrected the June 1, 1998 minutes by inserting Ordinance #C-56-98 as adopted that date with the last two paragraphs shown in the 6/1/98 draft minutes which had not been carried forward in the final version of the minutes previously approved by the Board.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board, along with the payroll:

Voucher (War.) #35150-35355.....\$ 352,136.43

Voucher #116 Diking Improvement District #4:\$ 44.57

Veterans Assistance:\$ -0-

Claim V98-17 denied based on recommendation of the Veterans Assistance Review Committee.

Hiring Requests/Personnel Actions

The following personnel action authorizations were approved by the Board by unanimous motion as presented by the Human Resources Department:

Dept. Description Action Effective Date

Public Works Solid Waste Att #2249.12 Replacement 10/5/98

Public Works Solid Waste Att II, Camano #2249.14 Replacement 10/5/98

Maintenance Facility Maint. Director #900 Reclass 10/5/98

HEALTH Department Contract Amendment HS-09C-97(2),

between Island County and DSHS

The Board, having previously during staff session reviewed and discussed with the Health Services Director Contract Amendment #HS-09C-97(2) between Island County and DSHS, unanimously approved and signed Contract #HS-09C-97 Amendment 2, representing an additional \$56,487.00, bringing the total contract to \$628,870.00. The amount of \$13,257.00 has been mandated by the Legislature to provide services/support for unserved Developmental Disabled adults and the plan is to add one person into the individual employment and one person into community access. The amount of \$43,230.00 represents a grant from the Division of Developmental disabilities. Period of this amendment is September 1, 1998 through June 30, 1999.

Amendment to Boarding Services Agreement between

Island County and Camano Veterinary Clinic

Betty Kemp, Director, GSA, presented to the Board proposed Amendment to the Boarding Services Agreement between Island County and Camano Veterinary Clinic. The original contract, dated 4/13/98 was not to exceed \$4800.00 and the purpose of the amendment is to add \$708.28 representing the final payment for legitimate expenses/invoices incurred and provided.

The Board, by unanimous motion, approved Amendment #1 to the Boarding Services Agreement between Island County and the Camano Veterinary Clinic providing \$708.28 as the final payment for the contract, with the money to come from Commissioners Contingency.

RESOLUTION #C-125-98 - PROCLAMATION

OCTOBER 11, 1998 CHILDREN'S DAY

On motion adopted unanimously, the Board approved and signed Resolution #C-125-98, a Proclamation to proclaim October 11, 1998 as Children's Day.

Resolution C-125-98

ISLAND COUNTY,

PROCLAMATION

Whereas, Washington State Children's Day was established through legislation and signed by the governor in April, 1993; and,

Whereas the purpose of Children's Day is to increase recognition of children's issues and communicate to our state's children that they are valued and special; and,

Whereas, Children's Day will be celebrated in the State of Washington on the second Sunday of every October; and,

Whereas, this is an opportunity for schools, parents, child welfare workers, preschools, and churches to use this day to listen to the voices of children, address their concerns, or acknowledge their contributions; and,

Now therefore, in acknowledgment of the children of Island County, the Island County Board of Commissioners proclaims:

October 11, 1998

Children's Day

In Island County and we urge you to celebrate Children's Day by communicating to the children in our home, church, or neighborhood that they are valued and special.

Signed the 5th day of October, 1998.

BOARD OF COMMISSIONERS

Mike Shelton, 1st District

Mac McDowell, 2nd District

Tom Shaughnessy, 3rd District

HEARING SCHEDULED: Ordinance #C-126-98 – Change In Designation

of County Emergency Services Director and Amendment to

Section 9.24A.050 ICC

The Board, by unanimous motion, scheduled a public hearing on October 26, 1998 at 3:00 p.m. for the purpose of considering proposed Ordinance #C-126-98, a change in designation of County Emergency Services Director, and amendment to Section 9.24A.050 ICC.

HEARING HELD: ORDINANCE #C-116-98 (R-49-98) RENAMING MISCELLANEOUS COUNTY ROADS ON WHIDBEY ISLAND

A Public Hearing was held at 10:15 a.m. as scheduled and advertised, for the purpose of considering renaming miscellaneous county roads on Whidbey Island:

Renaming Crestmont Pl. in Hilltop Terrace to Twin Cedars Dr.; Unnamed ptn. Wanamaker R/W to Wanamaker Rd (corrects error in C-72-98 which named it Bells Lane); 6830S. to Pearl Court (corrects error in section description in C-72-98); Fidalgo Place, plat of Scatchet Head #1 to Fidalgo Drive; Ptn. Houston Rd to North Bluff Rd, from existing N. Bluff Road westerly to Willow Pond Lane; Unnamed Rd in plat of Scatchet Head #1 to Pear Street

Renaming Crestmont Place to Twin Cedars Drive

Representatives attended from the Twin Cedars Drive Homeowners Association who were prepared to discuss the proposed road name change from Crestmont Place to Twin Cedars Drive. A letter dated September 23, 1998 was received from the Association in opposition to the proposed road name change.

As Lew Legat, Assistant County Engineer, explained, the proposal was to change that portion of Crestmont Place running north and south to Twin Cedars Drive, and the portion of Crestmont Place running east and west would remain Crestmont Place. Roy L. Allen, County Engineer, added that part of Twin Cedars Drive is already named Twin Cedars Drive in another section but running in the same direction, a private portion. The public portion is proposed to be named the same.

Craig Warren, I-COM Address Data Coordinator, explained that the north-west portion of Crestmont Place is non-sequentially numbered, the east-west portion numbered in one direction and the two addresses on the north-south portion of Crestmont Place are addressed off of a different direction grid. To bring the roads into compliance with the ordinance, the recommendation is that the name Twin Cedars Drive be extended across the intersection north and south, and that Crestmont Place stay the same for the east-west portion. There are two residences that would be affected either way. Even if the address stayed the same the current addresses would need to be re-numbered in sequence with the rest of Crestmont Place.

Linda Alexander, 6675 S. Crestmont, did not mind the number change but opposed the name change because in responding to a 911 call, the responder would have to come up Hilltop Terrace, then Twin Cedars or Crestmont. She wanted the name to stay the same and simply re-numbered. Twin Cedars is a private road which can remain privately named.

Lois Cooley, 6880 Twin Cedars Drive, one of the neighbors who does not want the proposed name change, explained part of the reason was that Twin Cedars is a private road, there is no outlet.

Mary Ann Davis, 4437 E. Crestmont, commented that Crestmont is a street in Hilltop Terrace Development while Twin Cedars is not; preference is to leave it Crestmont; and noted that the Alexander property was not located in Hilltop Terrace either.

Mr. Warren was not sure because the road crosses an intersection that the road could be sequentially numbered, and I-

COM's proposal would be the road be renamed to something else, i.e. the east – west portion of Crestmont could stay the same but the north - south portion from the intersection north would be renamed. He agreed that the road could be sequentially numbered from one end to the other so there are no repeating addresses. He pointed out that in other cases where roads have gone in two different directions such as this, have been sequentially numbered; however, he was not 100% sure that if the road crosses an intersection of Hilltop Drive would meet that criteria. If sequentially numbered, two people would be affected.

Consensus: Crestmont Place renumber north – south portion [two houses] to be in sequence with the east – west portion of Crestmont Place

Unnamed Portion of Wanamaker right-of-way to Wanamaker Road

Proposal is to name the unnamed portion of Wanamaker, a gravel public road located on the west side of Fort Casey Road to Wanamaker Road, serving two homes on the west side.

Craig Warren submitted a letter received from Glady L. Summer who owns the parcel connecting to the road. She noted that within the next few years two homes would be built on that parcel, and requested the name be "Eagle Terrace". Mr. Warren noted, however, the name Eagle Loop is used in Oak Harbor which is within a 19 mile radius.

Commissioner Shelton believed the name Wanamaker Road should be extended rather than creating a new road name.

Consensus: Send letter to the property owners for recommendation inasmuch as the name "Eagle" is duplicated within a 19 mile radius which is not allowed [one property owner out of the country, the other in Hawaii]

6830S. – previously changed to Pearl Court - need correction

Correct section designation to: Sec. 31, Twp 29 4E

Fidalgo Place, in the Plat of Scatchet Head #1 to Fidalgo Drive

Denny Berg, 3760 E. Fidalgo, described as just a little leg on the left-hand side going down the road to Scatchet Head. There has been a consistent problem with mail and proposed a different name: Mitford Lane. There are five residences on the street, 3 rentals, 2 permanent – Mr. Berg and another from whom he obtained a signature concurring with Mitford Lane.

Unnamed Road in the Plat of Scatchet Head #1 to Pear Street

Short road, about 1 block long, proposed name: Pear Street.

No comments.

Portion of Houston Road to North Bluff Road, from existing N. Bluff Road westerly to Willow Pond Lane

Proposal is to change the point of designation on Houston Road and N. Bluff Road, as was discussed in staff session regarding changing the road name to N. Bluff Road from north to south. This would result in two intersections with the highway with N. Bluff Road some considerable distance apart, one by Greenbank and the other halfway up to Coupeville, therefore the fire district believed the best thing to do would be to not rename Houston Road all to N. Bluff, rather to change the point of designation as shown on the map. One phone call on this matter was received from the person the road was named after asking that the name remain Houston Road. There were no negative comments. Fire Chief Biller was concerned because traffic accidents that occur at intersections if two intersections it had two intersections on N. Bluff Road and the Highway which could lead to confusion about which end of N. Bluff Road to respond to.

Commissioner Shelton moved approval of Ordinance #C-116-98 [#R-49-98] and Attachment A with the exception of the second item being pulled and scheduled for another public hearing related to the unnamed road which is an

extension of Wanamaker Road; and Crestmont Place will include the entire length of Crestmont Place running north-south and east and west with consecutive numbering; an error being corrected in a section description; e rather than extending Fidalgo, that small portion is being changed to Mitford and Houston Road remain in tact from Highway 525 to the designated point rather than being changed to N. Bluff Road; and the unnamed road is being changed in the Plat of Scatchet Head to Pear Street. Motion, seconded by Commissioner Shaughnessy, carried unanimously.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF RENAMING MISC.) **ORDINANCE NO . C-116 -98**

COUNTY ROADS ON WHIDBEY ISLAND) **R-49-98**

WHEREAS, the Board of County Commissioners adopted Ordinance No. C-32-96 (Interim 9-1-1 Addressing Policy) which allows the County to address the renaming of roads to avoid confusion; and

WHEREAS, the Board of Island County Commissioners has been requested by I-COM to rename the roads listed on Attachment "A";

WHEREAS, the renaming of said roads as shown would not be duplicating existing road names in Island County; NOW, THEREFORE,

BE IT HEREBY ORDAINED by the Board of County Commissioners of Island County, Washington:

1. That the County roads listed on Attachment "A" shall be renamed effective 45 days from the date of passage.

2. Island County Public Works shall fabricate and install a road sign to be posted on the effective date.

3. I-COM shall notify, by mail, owners of property abutting on the road of the public hearing date, and the name change, address number change, if any, and the effective date of this ordinance.

4. I-COM shall also notify appropriate agencies of the road/street name change, the effective date, and shall notify appropriate County departments so that County maps will show the changes.

REVIEWED this 14th day of September, 1998, and set for public hearing on the 5th day October, 1998 , at 10:15 a.m., Commissioners Hearing Room, Coupeville.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Mike Shelton, Member

Tom Shaughnessy, Member

Attest: *Ellen K. Meyer*, Deputy

For: Margaret Rosenkranz

Clerk of the Board

BICC 98-473

ADOPTED this 5th day of October, 1998, after public hearing.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Mike Shelton, Member

Tom Shaughnessy, Member

Attest: *Margaret Rosenkranz*,

Clerk of the Board

HEARING SCHEDULED: ORDINANCE #C-127-98 [R-52-98] REVISING ICC

10.01.060, Crescent Harbor Road at Crescent Harbor School

to 20 mph When Lights are Flashing

The Board by unanimous motion scheduled a Public Hearing was scheduled for October 19, 1998 at 10:30 a.m. to consider Ordinance #C-127-98 [R-52-98] revising Island County Code 10.01.060, Crescent Harbor Road at Crescent Harbor School to 20 mph "When Lights are Flashing".

AWARD OF BID FOR Whidbey Slide REPAIRS – POSSESSION ROAD -

CRP 98-09 Columbia Beach Drive [Ferrydock Rd] AND

CRP 98-11/Edgecliff Drive CRP 98-10

Roy L. Allen, Island County Engineer, verified verbal agreement from FEMA for the County to award bid for repair of certain slide areas on Whidbey Island, specifically Possession Road under CRP 98-09; Columbia Beach Drive under CRP 98-11; and Edgecliff Drive under CRP 98-10. He recommended bid award go to the low bidder, Strider Construction Company, Inc., Bellingham, in the amount of \$695,489.50.

The Board, on unanimous motion, awarded bid to Strider Construction Company, Inc., in the amount of \$695,489.50.

Resolution #C-128-98 Initiating PW-2-98 – Juniper

Beach Outfall Construction

As prepared and recommended for approval, the Board by unanimous motion approved Resolution #C-128-98 to initiate Public Works Project PW-2-98, [R-54-98] Juniper Beach Outfall Construction. The work is to be accomplished by day labor and the total appropriation is \$30,480.00.

Resolution #C-129-98 Initiating CRP 98-16 – Goss Lake Overflow Pipe

Also as prepared and recommended for approval, the Board by unanimous motion approved Resolution #C-129-98 to initiate County Road Project CRP 98-16 [R-53-98] Goss Lake

Overflow Pipe Construction, including engineering and construction and contingencies, for a total appropriation of \$21,720.00. The project is made part of the officially adopted annual road program as Item No. 25.

Fircrest Drainage – Ledgewood - Construction

Easement and Drainage Easement

Mr. Allen reported that Fircrest drainage in Ledgewood, Central Whidbey, is in conjunction with the project with plans and specs being developed by Golder & Associates. Although there is a drainage easement across the south 10' of Lot 41, that easement was strictly only to the developer. As requested, the owner has now provided to Island County a drainage easement at a cost of \$1900, and a construction easement at a cost of \$2900 to access across other portions of the property for this construction. The Public Works Department recommends the Board approve both easements and that the Board initial one change in the Construction Easement on Schedule A, Page 7 of 8, adding "of Lot 42, Block 2".

By unanimous motion, the Board accepted the drainage easement and construction easement and agreement for parcel #735541, work order 143 granted to the County by Robert A. and Vera S. Martin.

SITE PLAN REVIEW - SPR #452/97 - Airtouch Cellular

Debra Little, Development Services Coordinator, presented for Board action, Site Plan Review, SPR #452/97 by Airtouch Cellular, for a proposed location of a monopole communication tower with antenna and 288 sq. ft. equipment shelter on a 1.5 acre parcel located at 1120 E. St. Hwy 532, Camano Island. After a hearing before the Hearing Examiner, the Hearing Examiner in File No. SPR 452/97 Findings of Fact, Conclusions of Law and Recommendation dated September 17, 1998, recommended denial, as follows:

Because of the height of the proposed facility and its industrial appearance, and because of the lack of mature trees and understory on the site there will be a significant visual impact, which will last for years, if the proposal is approved as currently submitted.

Because of the tower height and the lack of existing vegetation buffer the proposed facility is not compatible with the rural residential zoning with existing and anticipated future surrounding uses, with the scenic corridor designation of SR 532, and with the general goals of the Comprehensive plan to maintain a rural atmosphere on Camano Island.

The proposal is not consistent with the site plan review criteria of ICC 16.15.040 and is not consistent with the goals and policies of the Island County Comprehensive Plan.

The proposed tower should be sited in on a parcel with mature understory, and trees in order to immediately mitigate the visual impacts of this kind of facility.

Ms. Little explained the Board's options: accept, reject or remand the recommendation back to the Hearing Examiner, or hold their own public hearing.

Andy King, Air Touch Cellular, provided more information with regard to the review of this matter. The initial application consisted of a 150' monopole with a conventional antenna array which he believed resulted in a maximum tip height for this facility of 174'. At the initial public hearing held July this year, in response to concerns raised by staff and the public, the applicant revised the application responding to three specific concerns of the Hearing Examiner:

Location of the facility relative to the property lines. The Hearing Examiner wanted to increase the setback of the monopole from the southerly and westerly property lines. Applicant increased that setback to approximately 100' from the southerly and westerly property lines...

Landscaping. Applicant enhanced landscaping proposed for the facility and proposed a site obscuring fence around the base of the equipment enclosure and also included additional trees (Armstrong Maples)

to screen the base of the monopole itself as well as the equipment cabinets.

Height of Facility. Applicant reduced the height of the facility from 150' to 100' with maximum tip height of 120'.

Mr. King believed the Hearing Examiner's recommendation did not accurately portray the facts nor the laws involved in the proposed wireless telecommunication facility, and urged the Commissioners reject the Hearing Examiner's recommendation and approve the application subject to reasonable and justifiable conditions. He referred to page 5 of the Hearing Examiner's recommendation, paragraph 3, regarding underlying property owner removing vegetation on the property. At both public hearings staff and the Examiner alleged that the underlying property owner essentially cleared the property of the existing vegetation which primarily consisted of some fir trees 40' to 50' tall. The underlying property owner was not able to testify at the second hearing to respond to the allegations. Prior to 1994 the Washington State Department of Transportation acquired additional right of way for the highway from the underlying property owner. As part of that transaction WSDOT required the property owners, Richard and Rose Barson, to remove the existing fir trees on that portion of the property abutting the highway. The Barsons decided that rather than to give those trees to the State, they would remove them. The Barsons did not clear their property as has been alleged by staff or the Examiner; the property was cleared at the behest of WSDOT. The majority of trees taken off the property were taken off in January, 1994, in conjunction with the State's acquiring the right of way.

Commissioner Shaughnessy clarified that the State only required clearing of that portion they acquired; however, the rest of the property was cleared at the same time. There is very little if any vegetation left on the property.

With regard to paragraph 5 on page 6 of the Examiner's recommendation indicating that both the staff and numerous concerned citizens indicated objection to the proposal because of its visual impacts along the SR 532 highway corridor, Mr. King maintained that the specific location of the facility is compatible with existing uses along the highway corridor. It is located along a major highway corridor, street lights on the south side, Snohomish County PUD power transmission lines approximately 80 to 90' tall on the north side of the highway, and a variety of non-residential uses located immediately to the north and west, and an institutional use [church] located to the east along the highway corridor. The Examiner's recommendation alleges the proposed facility is not compatible with the rural-residential zone due to tower height and lack of adequate screening, but Mr. King added to note there is one single family residence located south of the site located on a large parcel on the southerly portion of their property. Mr. King conducted a balloon test in August this year at the same elevation as the height of the antenna, 120'; the balloon was not visible from the residence. The Hearing Examiner did not identify what the negative visual impact of the facility is; apparently the fact that portions of the monopole will be merely visible from certain vantage points was sufficient for the Examiner to allege the facility would not be visually compatible with typical uses found in either the residential or non-residential zones. Mr. King believed that no views or significant views will be blocked or obstructed by the facility and the mere visibility is not sufficient basis for denial of the application.

The Chairman noted comments of the Hearing Examiner on page 7 [third from bottom paragraph]:

The Hearing Examiner has recommended approval of, and the Board of Island County Commissioners has granted approval to numerous communication towers over the last ten years. Virtually all of these towers were required to be located in an area where there were existing mature trees and understory on site to visually buffer the facility from roadways and off-site parcels. In this case the mature trees and understory have been voluntarily removed by the property owner in the recent past.

His concern was potential for setting precedent if this application were approved of now siting cell towers on cleared property.

Commissioner Shaughnessy further clarified the location of the property: coming on to Camano Island at the top of Lands Hill directly across the street from Century 21 and Cascade Lumber – on the parcel as one would look to the

south adjacent to the commercial area. Looking at Camano Island where cell towers are located or the GTE tower, all are positioned where they have a lot of adequate screening - vegetation that has been there for years and years and high growth trees. On this particular site, there is no way to shield the buildings or the tower. Everyone who accesses or leaves Camano Island goes right by this site; it is not visually compatible with the rural character of the Island trying to be maintained.

Commissioner Shelton moved acceptance of the Hearing Examiner's recommendation denying SPR 452/97. Motion, seconded by Commissioner Shaughnessy, carried unanimously.

Recognizing reception problems on Camano Island with respect to cell phone usage, Commissioner Shelton hoped AirTouch would not give up on a plan to locate a cell tower on Camano Island.

[note: the denial document signed by the Board has been placed on file with the Clerk of the Board]

FINAL SITE PLAN APPROVAL - SPR #164/97. US West Communications

Request for Final Site Plan approval, SPR #164/97 by U. S. West Communications, was presented to the Board by Stacy Tucker, Associate Planner. The application is for an unmanned cellular communications tower and four equipment cabinets located at 4643 State Highway 525, Clinton, Parcel #R32924-116-3080. The project was granted conditional preliminary approval by the Board May 4, 1998. Staff reviewed the application for final site plan and determined that all conditions of approval had been met. County staff recommended the Board grant final site plan approval.

By unanimous motion, the Board granted final approval of SPR 164/97 as recommended by staff.

BUDGET WORKSHOP

The Board met at 1:30 p.m. in budget workshop. Notes from the workshop were taken and copy on file in the Commissioners Office.

Note: Budget Workshop scheduled for September 30th canceled and rescheduled for October 15, 1998, at 1:30 p.m.

There being no further business to come before the Board at this time, the Chairman adjourned the meeting at 11:25 a.m., to meet in Regular Session next on October 12, 1998 beginning at 9:30 a.m.

**BOARD OF COUNTY
COMMISSIONERS**

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Tom Shaughnessy, Member

Mike Shelton, Member

Attest:

Margaret Rosenkranz,

Clerk of the Board